



STATE OF DELAWARE


**PUBLIC SERVICE COMMISSION**  
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DOVER, DELAWARE 19904

TELEPHONE:

November 7, 2016

**MEMORANDUM**

TO: The Chair and Members of the Commission

FROM: Shona Marshall, Public Utility Analyst 

SUBJECT: IN THE MATTER OF THE APPLICATION OF BURTON ENERGY GROUP, INC. FOR A  
CERTIFICATE TO BROKER ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE  
(SUBMITTED AUGUST 12, 2016; FILED SEPTEMBER 29, 2016) - PSC DOCKET No. 16-0849

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**Background**

On August 12, 2016, Burton Energy Group, Inc. (the "Company" or "Burton") submitted an application (the "Application") with the Delaware Public Service Commission (the "Commission") for an Electric Supplier Certificate ("ESC") to broker electric supply services in the State of Delaware pursuant to §1012 of the Electric Utility Restructuring Act of 1999, 26 *Del. C.* §1001 - §1020 (the "Act") and 26 *Del. Admin. C.* §3001, the Commission's Rules for Certification and Regulation of Electric Suppliers (the "Supplier Rules").<sup>1</sup>

**Application**

The Company's original filing was submitted on August 12, 2016 but the submitted Application did not meet the minimum filing requirements (MFR's). In a letter dated August 30, 2016, Commission Staff ("Staff") requested the Company submit an active business license for the state of Delaware, a copy of the Company's income statement, professional resumes for Brent Burton, Mark Breuker, PE, Kristen Murphy, Jennifer Kessler, and Margie Mohlenhoff, and a detailed description of the services the Company intends to provide in Delaware. The Company's response dated September 20, 2016 provided all of the requested documents. On September 29, 2016, the Company submitted a copy of its permanent business license. This information satisfies the MFR's for this Application.

**Review and Analysis**

**Authority to do Business in Delaware**

The Company is a limited liability company formed under the laws of the state of Georgia. On August 12, 2016 and September 29, 2016 the Company provided proof issued by the Delaware Secretary

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<sup>1</sup> Unless otherwise noted, all references to capitalized terms are set forth in the Act and/or the Supplier Rules.

of State that it is legally authorized and qualified to do business in the State of Delaware issued August 9, 2016 and September 14, 2016.

#### Resident Agent

The Company supplied the contact information for a Delaware Registered Agent listed in the application Corporation Service Company located at 2711 Centerville Rd, Suite 400, Wilmington, DE 19808.

#### Compliance with Regional Requirements

The Company affirms in its Application that it will only present electricity supply contracts to its customers from Marketers/Electric Suppliers who are in compliance with all applicable PJM requirements.

#### **Financial, Operational, Managerial and Technical Ability**

The Company provided a Balance Sheet, Statement of Cash Flows, and an Income Statement for 2014 and 2015. The Company also provided a letter of recommendation from Fidelity Bank as indicia of financial capability under Section 2.1.1.5.1 of the Supplier Rules. Staff has reviewed the financial statements and believes that the statements show substantial evidence of the Applicant's ability to broker electric supply services in the State of Delaware.

The Company anticipates serving Large Commercial, Small Commercial, and Industrial customers to broker the sale or purchase of electricity throughout the State of Delaware. The Company's application states that it is currently licensed in the states of Illinois, Maryland, Massachusetts, Ohio, and Pennsylvania. The Company is currently pending licensure in the state of Maine. Staff confirmed the Company is licensed in those states by conducting an internet search of the utility commission websites of each state. Staff was also able to confirm that the Company is authorized to do business in the above mentioned states according to the Secretary of State Websites.

The Application included a summary of the Officers of the Company. Brent Burton is the President and Founder of Burton Energy Group, Inc. He has over 25 years of managerial experience and 20 years of experience in the energy industry. Mr. Burton has held the following positions: Manager of Product Development at Entergy Corporation (November 1989-May 1995), Director of Marketing at American Innovation, Ltd (May 1995-December 1996), Director of Market Development at Enron Energy Services (December 1996-December 1998), Principal of WattWorks Group (December 1998-June 2000), and Vice President of Marketing at Retx, Inc. (June 2000-August 2001). Mark Breuker, PE is a Managing Partner of Burton Energy Group, Inc. He has held this position since 2008. Mr. Breuker has over 19 years of managerial experience and 24 years of experience in the energy industry. Mr. Breuker has held the following positions: Project Engineer at Conoco, Inc. (1992-1995), Research Assistant for Ray W. Herrick Laboratories at Purdue University (1995-1997), Senior engineer at Carrier Corporation (1997-1998), Senior Project Engineer at DukeSolutions (1998-1999), Senior Account Manager and Senior Resources, Inc. (2000-2002), Account Executive of Prenova, Inc (2002-2005), Director of Business Development at Prenova, Inc (2005-2006), Director of Energy Consulting at Advantage IQ (2006-2008), and Director of Client Solutions at Advantage IQ (2008). George Plattenburg, P.E. has served as the Vice President of Sales & Marketing since May 2012. Mr. Plattenburg, P.E. has over 26 years of managerial and energy industry experience. He has held the following positions: Director of Indianapolis Power & Light (1990-1997), Vice President of Strategic Accounts at Dukesolutions (1997-2001), Vice President of Operations at Prenova (2001-2003), Vice President of Integration & Marketing at Continental Broadband (2003-2008), and Senior Vice President of Sales & Marketing at Servidyne (April 2008-May 2012). Kristen Murphy is the Vice President of Energy & Risk Management at Burton Energy Group, Inc. She has held this position since January 2011. She has over 11 years of managerial experience and over nine years of experience in the energy industry. Ms. Murphy has held the following positions: Marketing and Asset Management Analyst at Mirant (2001-2002), State Government Regulatory Affairs Associate and

PAC Administrator at Mirant (2002-2003), Deputy Director of the Political Action Committee at Koch Industries (January 2005-August 2005), Manager of External Affairs at Newsouth Energy, LLC (August 2005-March 2006), and Manager of Energy Procurement at Prenova (May 2006-December 2010).

#### Surety Bond

The Company did not post a surety bond because it is a Broker only and there are no service agreements between the Company and any Delaware Electric Distribution Company. The Company will not collect any fees or deposits from any of its customers for any of its brokerage services.

#### Verification of Application

The original Application contained a signed sworn verification of application with the signature of Brent Burton, President and Founder of Burton Energy Group, Inc. Subsequent filings to the Application have also been verified by Brent Burton.

#### Consent to Jurisdiction

The Company consents to the jurisdiction of the Delaware courts.

#### Contracts

The Company also did not provide any sample contracts for Small Commercial Customers as it is a Broker only and does not and will not have contracts with Retail Electric Customers to provide Electric Supply Service.

#### Statement of Criminal Activity

The Applicant stated that they have not been charged or convicted of any criminal activity nor have any of its principals or corporate officers. An internet review of the Company and its principals did not return any incidents of criminal activity.

#### **Legal Review**

Staff submitted this Memo for review by the Attorney on November 15, 2016.

#### **Staff Recommendation**

Based on Staff's review and analysis of the Application, the Company has satisfied the requirements of the Act and the Supplier Rules. The Company resolved all outstanding issues with Staff and the completed Application supports the Company's request for certification. Staff's review and analysis of the Application submitted by the Company demonstrates substantial evidence of capability to render service based on the Company's financial, operational, managerial and technical abilities. Therefore, Staff recommends the Commission approve the Application.